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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,099	03/16/2001	Masatoshi Takashima	09792909-4861	8294

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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/811,099	Applicant(s) TAKASHIMA ET AL.	
	Examiner Melur Ramakrishnaiah	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-12 and 16 is/are rejected.
- 7) ☒ Claim(s) 5-7 and 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2-3, 9, 10-11, are rejected under 35 U.S.C 102(b) as being anticipated by Kerr (US PAT: 5,844,600).

Regarding claim 1, Kerr discloses a data transmission method for transmitting video data and audio data among multiple points from a plurality of terminals arranged in a network, comprising: transmitting video data by multiplexing it as a stream for every point (col. 4 lines 32-36), transmitting audio data by combining at least one audio signal in a base band in a network (col. 4 lines 36-56).

Regarding claim 2, Kerr discloses a data transmission method for transmitting data among multiple points from a plurality of terminals arranged in a network, comprising shifting of data in accordance with transmission delays when transmitting data at multiple points to the terminals (col. 8 lines 44-61, col. 9, line 63 – col. 10, line 27).

Regarding claim 9, Kerr discloses a data transmission system for transmitting video data among multiple points from a plurality of terminals arranged in a network, comprising: a device for transmitting video data by multiplexing it as a stream encoded for every point (col. 4 lines 32-36) and transmitting audio data by combining at least one audio signal in a base band in the network (col. 4 lines 36-56).

Regarding claim 10, Kerr discloses a data transmission system for transmitting data among multiple points from a plurality of terminals arranged in a network, comprising: a device for shifting data in accordance with transmission delays when transmitting data at multiple points to the terminals (col. 8 lines 44-61, col. 9, line 63 – col. 10, line 27).

Regarding claims 3 and 11, Kerr further teaches the following: transmitting identical packets given different time stamps in accordance with transmission delays in the network (col. 9, line 32 – col. 10, line 27).

3. Claims 4 and 12 are rejected under 35 U.S.C 102(b) as being anticipated by Ahuja et al. (US PAT: 5,689,553, hereinafter Ahuja).

Regarding claim 4, Ahuja discloses a data transmission method for transmitting a plurality of data streams among multiple points from a plurality of terminals arranged in a network, comprising: transmitting each of the plurality of data streams through a network having different property, recombining them after transmission over the networks and transmitting them to the terminals (fig. 1, col. 4, line 38 – col. 5, line 36, col. 6, line 44 –col. 7, line 31).

Regarding claim 12, Ahuja discloses a data transmission system for transmitting a plurality of data streams among multiple points from a plurality of terminals arranged in a network, comprising; plurality of networks having different properties (fig. 1), a first device in (84, fig. 3) for transmitting each of the plurality of data streams through a network having a different property, a second device in (84, fig. 3) for recombining them

after transmission over the networks and transmitting them to the terminals (col. 8, line 48 – col. 9, line 33).

4. Claims 5-7, 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar (US PAT: 5,835,129) in view of Loeb (US 2001/0054071, Provisional application No. 60/185,578, filed March 10, 2000).

Regarding claims 8 and 16, Kumar discloses a data transmission method for transmitting a plurality of data streams having different degrees of importance among multiple points from a plurality of terminals, comprising: demultiplexing the plurality of data streams having different degrees of importance in the middle of transmission line, a first device (110, fig. 2) for demultiplexing the plurality of data streams having different degrees of importance in the middle of transmission line (fig. 2, col. 7, lines 4 – col. 11, line 28).

Kumar differs from claims 8 and 16 in that he does not teach the following: transmitting data where continuity is regarded as important through a network having

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higher quality of service and transmitting data for which discontinuity is permitted through a network having lower quality of service, combining the plurality of data transmitted through the different networks again before data arrives at the destination terminals and transmitting the same terminals.

However, Loeb discloses audio/video conference system which teaches the following: transmitting data where continuity is regarded as important through a network having higher quality of service and transmitting data for which discontinuity is permitted through a network having lower quality of service, combining the plurality of data transmitted through the different networks again before data arrives at the destination terminal and displaying information at the terminal (paragraphs: 0046-0048 and claim 1).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kumar's system to provide for the following: transmitting data where continuity is regarded as important through a network having higher quality of service and transmitting data for which discontinuity is permitted through a network having lower quality of service, combining the plurality of data transmitted through the different networks again before data arrives at the destination terminals and transmitting the same terminals as this arrangement would facilitate excellent communication between communication parties as taught by Loeb (paragraph: 0047).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is

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(703) 305-1461. The examiner can normally be reached on M-F 6:30-4:00; every other F Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melur Ramakrishnaiah
Primary Examiner
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